155157 FAA-2002-11509-1

ASA

Delta Connection
A wholly owned subsidiary of Delta Air Lines

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DEPT. OF TRANSPORTATION
DOCKETS
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06 February 2002

U.S. Department of Transportation,
Docket Management System,
400 7th Street, SW., Room PL 401,
Washington, DC 20591-0001.

Subject: Petition for Exemption – Requirement for certain observations to be conducted from a cockpit observation seat and requirement the flightcrew compartment door to be closed and locked at all times during operation

In accordance with 14CFR11.61(b), Atlantic Southeast Airlines, Inc., holder of Aircarrier Operating Certificate ASOA 029B, seeks relief from 14CFR121.434(c)(1)(ii), 14CFR121.440, 14CFR121.463 and Exemption 7135. More specifically, ASOA requests relief from the requirement of "if a qualifying pilot in command is completing initial or upgrade training specified in § 121.424, be observed in the performance of prescribed duties by an FAA inspector during at least one flight leg which includes a takeoff and landing" (14CFR121.434(c)(1)(ii)). Additionally, ASOA requests relief from the requirement of Exemption 7135 that fifty percent (50%) of the observations, on a rolling six month basis, be conducted by the Administrator. Further, ASOA requests approval to conduct the Line Checks, as required by 14CFR121.440, and the line observations required of Dispatchers, as required by 14CFR121.463, be completed in aircraft simulators using Line Oriented Flight Training scenarios.

The relief ASOA seeks is the authorization to conduct the cockpit observations required to be completed in EMB-120 aircraft, as required by 14CFR121, in aircraft simulators. Additionally, ASOA seeks approval to conduct all of the observations, to be completed in EMB-120 aircraft, required by Exemption 7135, by company check airmen in pilot seats.

The recently enacted Special Federal Aviation Regulation 92-3, paragraph 5, reads, in principal part, "a door installed between the pilot compartment and any other compartment ... be equipped with an internal locking device installed, operative, and in use." With respect to the EMB-120 (Type Certificate Data Sheet Number A31SO), compliance with this provision renders the cockpit observers seat unusable as the use of the cockpit observers seat prevents the closing of the cockpit to cabin door. With the cockpit observer seat unusable, the line observations and checks referenced above cannot be completed.

Alternative action to the proposed relief is the use of the cockpit observer seat in flight with the door open via exemption to the requirements of SFAR 92-3.

SKYTEAM

The relief ASOA seeks is limited to activities required to be conducted in Embraer EMB-120 airplanes and would not be required once all of the ASOA EMB-120 aircraft have the flightcrew compartment door modified in accordance with 14CFR 121.313(j) or by April 9, 2003, whichever comes first.

In accordance with 14CFR 11.71(a) the following information is provided in my petition for exemption from rulemaking:

(1) John A. Bedson on behalf of: Atlantic Southeast Airlines, Inc.
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Suite 800
Atlanta, GA 30354
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(2) Explanation of proposed action and its purpose.

The observer seat on the Embraer EMB-120 airplane can only be occupied when the flightcrew compartment door is fully opened and unlocked. An observer is required for the following functions:

- IOE observations of new captains by the FAA or, by Exemption 7135, by qualified staff of the petitioner.
- Part 121 dispatcher qualifications.
- Annual line checks for captains. This can be accomplished from the first officer's seat but CRM is more effectively observed from the jumpseat in many cases.

The observations and checks required by 14CFR121 and Exemption 7135 cannot be accomplished with the cockpit observer seat unusable. ASOA has proposed alternatives to the requirements of the rule and exemption to allow the conduct of the required checks and observations, for a limited time period, in an alternative location offering an equivalent level of evaluation and training.

(3) The language proposed for a new or amended rule, or the language you would remove from a current rule.

A sentence could be added to Special Federal Aviation Regulation 92-3 that reads:

"Until modified in accordance with 14CFR121.313(j) or until April 9, 2003, whichever occurs first, the observations required of 14CFR121.434(c)(1)(ii), 14CFR121.440, 14CFR121.463 to be accomplished in flight in EMB-120 aircraft may be conducted in approved aircraft simulators of Level B, or higher, using Line Oriented Flight Training (LOFT) scenarios."

Additionally, Exemption 7135 can be modified as follows:

"Operators of EMB-120 aircraft may, until modification in accordance with 14CFR121.313(j) or until April 9, 2003, whichever occurs first, conduct the observations required by this exemption, to be conducted by the Administrator, in approved aircraft simulators of Level B, or higher, using Line Oriented Flight Training (LOFT) scenarios or may be conducted in line operations by company check airmen authorized to conduct these checks. The number and percentage of checks conducted by authorized check airmen in flight is not limited."

(4) An explanation of why this proposed action is in the public interest.

Granting this requested relief will allow the petitioner to utilize alternatives to the observer seat to satisfy regulatory requirements in the interest of safety. Inflight observations by FAA inspectors and check airmen representing the Administrator are critical to ensuring that flight crewmembers are properly qualified. Inflight observations by company dispatchers and flight personnel serve to greatly enhance the training of company personnel. This relief allows the conduct of this checking and training experience, to the benefit of crewmembers and the traveling public, without the compromising the protections intended in Special Federal Aviation Regulation 92-3.

The recent revision of 14CFR121.587(a) was accomplished to ensure the security of flight crewmembers since a closed and locked door would deter the attempts of unwanted intruders from entering the flightcrew compartment. The proposed action would provide comparable security since the door would NOT be open and unlocked.

(5) Information and arguments that support this proposed action:

The recent adoption of 14CFR121.587(a) requires that the door be closed and locked when the aircraft is being operated. The EMB-120 airplane is the only transport category airplane used in 14CFR121 operations that has an observer seat that requires the door to be opened and unlocked when occupied. The petitioner plans to relocate the door so that it can be closed and locked when the observer seat is occupied but such modifications cannot be accomplished immediately. The petitioner plans to submit a modification design for FAA approval by April 9, 2002 and commence retrofit once part and approvals are available. It is expected that the entire EMB-120 fleet will be modified no later than April 9, 2003. Until that time, ASA plans to conduct all of the observations required of 14CFR121.434(c)(1)(ii), 14CFR121.440, 14CFR121.463 in approved aircraft simulators of Level B, or higher, using Line Oriented Flight Training (LOFT) scenarios. Additionally, Exemption 7135 can be modified to allow all of the checks required by the exemption to be conducted by company check airmen in pilot seats or by FAA inspectors in approved aircraft simulators using Line Oriented Flight Training (LOFT) scenarios.

(6) Specific facts or circumstances that support or demonstrate the need for the proposed action.

Special Federal Aviation Regulation 92-3 required the creation of a "secure cockpit" free from the possibility of entrance by unauthorized individuals. Special Federal Aviation Regulation 92-3 did not contemplate the requirements of EMB-120 operators as they meet the requirements of a host of line observation requirements in 14CFR121. ASOA believes the protections envisioned by Special Federal Aviation Regulation 92-3 are beneficial to the safety, security and peace of mind of the traveling public and the crews. Operations in common carriage with the cockpit door open is not an acceptable alternative.

ASA believes the conduct of the observations and checks (noted above) in aircraft simulators of Level B or higher, using Line Oriented Flight Training (LOFT) scenarios, offers the best alternative to the conduct of these observations in the aircraft. Additionally, due to the limited duration of the relief sought (09 April 2003 at the latest), ASOA is willing to work with the Administrator to identify a limited cadre of check airmen for the conduct of checks in the aircraft from pilot seats.

Sec. 11.87 Circumstances in which FAA may decide not to publish a summary of this petition for exemption.

The petitioner requests that the FAA not publish this petition in accordance with 14CFR 11.87(c) since delaying this action on our petition would have an adverse affect on our ability to conduct effective observations. In the interest of security, it is also not desirable to publicly announce that this exemption is being granted.

The petitioner concludes that safety will be enhanced and the public interest furthered by the granting of this exemption.

Respectfully Submitted,

John A. Bedson

John A. Bedson
Senior Vice President
Air Operations

cc: Mr. Robert Bruce, FAA POI
Mr. Alex Gay, FAA FSDO Manager
Mr. Tom Penland, FAA Headquarters

Attach: Docket No. FAA-2001-10770; SFAR 92-3
14CFR121.434
14CFR121.440
14CFR121.463

[4910-13]
DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
14 CFR Part 121
[Docket No. FAA-2001-10770; SFAR 92-3]
RIN 2120-AH55
Flightcrew Compartment Access and Door Designs
AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.
SUMMARY: This action supersedes SFAR 92-2, which was published on November 21, 2001 to allow operators to quickly modify the flightcrew compartment door to delay or deter unauthorized entry to the flightcrew compartment. This action temporarily authorizes variances from existing design standards for the doors and allows for approval for return to service of modified airplanes without prior approved data if the modification constitutes a major alteration. This action also mandates these modifications on aircraft in certain passenger and cargo carrying operations and extends the January 15, 2002, reporting date. This action prohibits the possession of flightdeck compartment door keys by other than the flightcrew during flight, unless the flightdeck door has an internal flightdeck locking device installed, operative, and in use. This action is being taken in the wake of the September 11, 2001, terrorist attacks against four U.S. commercial airplanes.
DATES: This action is effective on January 15, 2002 and shall remain in effect until April 9, 2003.
FOR FURTHER INFORMATION CONTACT: Kimberly Smith, Technical Programs Branch, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 267-7242; e-mail address: **Error! Bookmark not defined.**.
SUPPLEMENTARY INFORMATION:
Availability of This Action
You can get an electronic copy of this document from the Internet by taking the following steps:
(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) web page .
(2) On the search page, type in the last four digits of the docket number shown at the beginning of this document. Click on "search."
(3) On the next page, which contains the docket summary information, click on the item you want to see.
You can also get an electronic copy using the Internet through the FAA's web page or the Government Printing Office's web page..
You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Ave., SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the docket number or notice number of this rulemaking.
Small Business Regulatory Enforcement Fairness Act
The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires

the FAA to comply with small entity requests for information advice about compliance with statutes and regulations within the FAA's jurisdiction. Therefore, any small entity that has a question regarding this document may contact its local FAA official. Internet users can find additional information on SBREFA on the FAA's web page at http:www.faa.gov/avr/arm/sbrefa.htm and send electronic inquiries to the following Internet address: 9-AWA-SBREFA@faa.gov.

Background

The September 11, 2001, hijacking events have demonstrated that some persons are willing to hijack airplanes and use them as weapons against the citizens of the United States. This is a safety and security threat that was not anticipated and, therefore, not considered in the design of transport airplanes. The recent hijackings make it clear that there is a critical need to improve the security of the flightcrew compartment. These improvements should deter terrorist activities and, if they are attempted, delay or deny access to the cockpit.

On November 16, 2001, Congress enacted the Aviation and Transportation Security Act, Public Law 107-71. Section 104(a)(1)(B) of the Act requires the FAA to issue an order requiring the strengthening of the flight deck door and locks on certain passenger carrying aircraft.

Flightcrew Compartment Door Designs

Flightcrew compartment doors on transport category airplanes have been designed principally to ensure privacy, so pilots could focus their entire attention to their normal and emergency flight duties. The doors have not been designed to provide an impenetrable barrier between the cabin and the flightcrew compartment. Doors have not been required to meet any significant security threat, such as small arms fire or shrapnel, or the exercise of brute force to enter the flightcrew compartment.

Besides affording an uninterrupted work environment for the flightcrew, flightcrew compartment doors often must meet other important safety standards. Should there be a sudden decompression of the airplane, separate compartments within the airplane, like the cabin and the crew compartment, must be designed so that the pressure differential that is created does not compromise the basic airplane structure. Certification standards require that airplane designs provide a method to compensate for decompression in a manner that avoids significant damage to the airplane. In many cases, flightcrew compartment doors provide the pressure compensation by being vented or swinging open to equalize the pressure between the cabin and the flightcrew compartment.

In addition, design standards require that the flightcrew have a path to exit the flightcrew compartment in an emergency, if the cockpit window exits are not usable. Flightcrew compartment doors have been designed to provide this escape path. But this escape feature may also enable easier unauthorized entry into the flightcrew compartment from the cabin.

Operating regulations, in particular § 121.379(b) in the case of a major alteration, require the work to be done in accordance with technical data approved by the Administrator. Operating regulations for airlines also require that each crewmember have a key readily available to open doors between passengers and an emergency exit. Some airlines issue flightcrew compartment door keys to all their crewmembers.

This allows flight attendants to enter the flightcrew compartment and assist the flightcrew in an emergency, such as incapacitation of a flight crewmember. But it also offers an opportunity for an individual to overpower or coerce a flight attendant, take away the key, and enter the flightcrew compartment.

Rapid Response Team

To evaluate what could be done to improve flightcrew compartment security, the Secretary of Transportation formed a Rapid Response Team for Aircraft Security. The Team included representatives of airplane designers, airline operators, airline pilots, and flight attendants. There was a clear consensus from this group, and agreement by the FAA, that immediate actions must be taken to strengthen the flightcrew compartment door. The short-term options, though, in one way or another could conflict with regulatory design requirements such as those discussed above.

The Rapid Response Team addressed the design issues and found the relative safety risks to be small in view of the emergent security risk of unauthorized flightcrew compartment entry. The FAA agrees with this conclusion. The Rapid Response Team report also concluded, and the FAA agrees, that all existing design requirements should continue to be applied in the long term. Therefore, this SFAR allows a temporary period during which non-compliance with design requirements will be allowed when improvements to flightcrew compartment security are made.

In addition to waiving specific airworthiness regulations, the FAA is waiving procedural requirements applicable to major alterations (§ 121.379(b)). Besides the information obtained from the Rapid Response Team, the FAA has received technical information from airline operators and manufacturers regarding what modifications are possible and how quickly they can be incorporated. The technical data reviewed by the FAA reflect good design practices, and the FAA is confident that installations can be made without unduly compromising safety.

Given the urgency of the need to take action to reinforce the flightcrew compartment doors, the FAA finds that it is in the public interest to forego the requirement that major alterations to accomplish this task have data previously approved by the Administrator. This portion of the SFAR is limited to 6 months. Major alterations performed after that date must be in accordance with approved data, and whatever the operator installs in the short term must ultimately be brought into full regulatory compliance.

The Original SFAR 92 Provisions

Original SFAR 92 was published on October 9, 2001, and allowed all part 121 passenger carrying operators to install flightcrew compartment door improvements as well as prohibiting possession of flightcrew compartment keys by persons other than flight crewmembers during flight. It was very broad to allow maximum short-term flexibility in crafting enhanced door security measures. It allowed the doors to be modified and airplanes to be operated with modified doors.

The FAA established an 18-month duration for the portions of the SFAR concerning airworthiness requirements. We expected this would give the industry sufficient time to design and install more permanent changes to door security and establish procedures for flightcrew compartment door access that meet regulatory requirements for egress and venting.

The SFAR required operators to submit a report to the FAA that details the specific

modifications they make to the flightcrew compartment door. This will allow the FAA to monitor what has been installed and take action if the installation creates an unacceptable safety risk. Further, to monitor progress toward the goal of full compliance, the SFAR required a report by April 22, 2002 that describes how the operator will meet regulatory compliance for egress and venting.

We also expected that airframe manufacturers and modifiers would produce service information to assist operators in developing modifications to improve intrusion resistance to the flightcrew compartment. While service documents would not require separate approval under this SFAR, such modifications may also be installed in production airplanes. The modification authority granted by the SFAR also applied to manufacturers and other persons applying for airworthiness certificates to enable delivery of airplanes to the operators.

In addition, we understood that some operators might rely on suppliers to produce parts to support these modifications to the flightcrew doors. Under normal circumstances, such parts producers would be subject to the requirement to obtain parts manufacturer approvals in accordance with 14 CFR 21.303. However, to facilitate reinforcement of these doors, the SFAR included a provision overriding the requirement for parts production approval in support of these activities.

Should any of the changes to the door constitute a major alteration, the SFAR temporarily relieved the operator of having to obtain prior approval of the data. This part of the SFAR terminates on April 22, 2002. As soon as the design data is submitted, the FAA will work with the operators to identify a mutually acceptable process and time to get the data approved. In the meantime, the airworthiness certificates on airplanes that have been modified will remain valid. In making returns to service of airplanes modified under the SFAR, documents can reflect compliance with regulatory requirements by citing the SFAR.

In addition to the above changes to harden the flightcrew compartment doors against intruders, the FAA also believed it was prudent to eliminate the ability of intruders to gain access by obtaining a flight attendant's key. For that reason, the SFAR temporarily changed the requirement in § 121.313(g) by stating that only flight crewmembers, and not cabin crewmembers, would have flight crew compartment keys during flight. This would lessen the opportunity for gaining unauthorized access and reduce the likelihood of attacks on cabin crewmembers to obtain keys on airplanes where the flightdeck door does not have an internal locking device.

First revision to SFAR 92----SFAR 92-1

SFAR 92 has remained substantially as originally written. However, modifications have been issued to change the scope of the rule and to clarify specific provisions. SFAR 92 originally authorized only part 121 passenger carrying operators to make the quick modifications to the flightdeck doors. Because of the risk posed by having other than flightcrew members onboard the aircraft as allowed in § 121.583, FedEx petitioned the FAA to allow it to install additional door security measures in accordance with the provisions of SFAR 92. The FAA determined that the modifications requested by FedEx would apply to similarly situated cargo airplane operators and that the threat is similar to that of passenger airplanes. SFAR 92-1 was published on October 17, 2001, to expand the modification authority to all part 121 operators.

Second Revision to SFAR 92----SFAR 92-2

As originally published, SFAR 92 temporarily changed section 121.313(g) to prohibit the possession of flightdeck keys by non-flightdeck crewmembers. Since initial issuance of the SFAR, internal locking devices that render the key useless for flightdeck access have been installed on many air carrier airplanes. Since the keys have multiple uses in the airplane beyond the flightdeck door, prohibiting possession of the flightdeck door keys by non-flight crewmembers on these airplanes is only an inconvenience to the crew and not a deterrent to terrorist activity.

Allowing non-flight crewmembers access to the keys is acceptable when the internal locking device is in use on the airplane. "In use" contemplates that the device is locked from the inside by the flightdeck crew. If a flightdeck crewmember must exit the flightdeck for some reason, either the remaining flightdeck crewmember, or a cabin crewmember that enters the flightdeck, will immediately lock the internal device behind the exiting flightdeck crewmember. This provision may also reduce the opportunity for coercion, since the flight attendant can safely hand over the key.

As a result, SFAR 92-2 was published on November 21, 2001, to add a phrase to the end of § 121.313(a)(ii) to allow possession of the key under certain circumstances. The limitations on keys do not apply to cargo operators because flight attendants are only required on passenger airplanes nor do they apply to part 129 operators because part 121 regulation do not apply to them. This change to 121.313(g) will expire with this SFAR.

SFAR 92-2 also replaced the 90 day and 180 day reporting and termination time frames with specific dates, January 15, 2002, and April 22, 2002 respectively. Since SFAR 92 was republished more than once, insertion of specific dates will eliminate confusion in calculating these dates.

This Revision to SFAR 92----SFAR 92-3

When SFAR 92 was originally issued, and subsequently revised, it was the expectation of the FAA that flightdeck modifications would be made as soon as possible. While this has been the case for the substantial majority of operators, not all have accomplished the short-term modifications. Because of the FAAs original expectation, SFAR 92 did not contain a provision mandating the internal door modifications. Now, the FAA has determined that a mandate is necessary to assure that all part 121 passenger-carrying aircraft required to have flightdeck doors are modified. The FAA has also considered the issue of airplanes that carry only cargo, but are permitted to also carry certain persons as defined in § 121.583 as discussed in SFAR 92-1. Current provisions of the regulations do not ensure that a person who is intent on using an airplane as a weapon would be unable to board an all-cargo airplane in accordance with § 121.583. Therefore, in cases where these airplanes already have flightdeck doors, the FAA has determined that the door should also be modified to improve security.

Pub. L. 107-71 directs the Administrator of the FAA to issue an order requiring the strengthening of flightdeck doors and locks. Revision 92-3 is being issued to require installation of internal locking devises on flightdeck doors within 45 days of publication of this revision. The aircraft covered by this provision are passenger-carrying aircraft operated under part 121 that are required to have flightdeck doors and all-cargo airplanes that have flightdeck doors installed. Given the large number of modifications

already made on a large variety of aircraft within the fleet, the FAA believes that 45 days should provide operators who have not yet made the relevant modifications with sufficient time to do so.
This revision to the SFAR will also expand the modification authority to U.S. registered, transport category aircraft that are operated under part 129, foreign operations. Because these aircraft are U.S. registered, the FAA must issue any authorization to modify the aircraft. The FAA has received several inquires from such operators requesting authorization to make modifications as authorized in SFAR 92. SFAR 92-3 will provide such authorization.
The FAA recognizes that mandating the reinforcing modifications for part 121 operators and authorizing part 129 operators to make modifications may not enable some to make the January 15, 2002, reporting requirements in SFAR 92-2. As a result, this revision extends the reporting date to February 15, 2002. The FAA expects that those who have already made modifications will still meet the January 15, 2002, reporting date.
Other Rulemaking
In parallel with this SFAR 92-3, the FAA is issuing an immediately adopted rule (IAR) which will adopt new design standards for flight deck doors in part 25 of the Federal Aviation Regulations. Generally speaking, these new standards will enhance resistance to blunt force and ballistic intrusion. Also, the IAR will require all aircraft required to have a door under section 121.313(f), as well as all-cargo airplanes that have flightdeck doors installed, to have a door meeting the new design standard. The stronger doors must be installed not later than April 9, 2003, the expiration date of this SFAR. In essence, the doors meeting the new design standards will replace the doors reinforced under this SFAR.
Justification for Immediate Adoption Because the circumstances described herein warrant immediate action by the FAA, the Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and contrary to the public interest. Further, the Administrator finds that good cause exists under 5 U.S.C 553(d) for making this rule effective immediately upon publication. This action is necessary to prevent a possible imminent hazard to airplanes and to protect persons and property within the United States.
Additionally, with respect to the provisions requiring modifications to strengthen the flight deck doors and locks, PL 107-71 authorizes the Administrator to issue an order without regard to the provisions of chapter 5 of Title 5 of the United States Code. The modification to section 121.313 contained in this SFAR is within the scope of this authority and is adopted without public notice and a prior opportunity to comment.
International Compatibility In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA determined that there are no ICAO Standards and Recommended Practices that correspond to this SFAR.
Paperwork Reduction Act This emergency final SFAR contains information collection activities subject to the Paperwork Reduction Act of 1995 (44 USC § 3507(d)). In accordance with section 3507(j)(1)(B) of that statute, the FAA requested the Office of

Management and Budget to grant an immediate emergency clearance on the paperwork package. OMB granted an emergency clearance and assigned OMB control number 2120-1674. As protection provided by the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Following is a description of the information collection burden associated. .

Title: Flightcrew Compartment Access and Door Designs

Summary/Need: The SFAR requires operators to submit a report to the FAA by February 15, 2002 that details the specific modifications. This will allow the FAA to monitor what has been installed and take action if the installation creates an unwarranted safety risk. Further, to monitor progress toward the goal of full compliance, the SFAR requires a report by April 22, 2002 that describes how the operator will come into full regulatory compliance.

Respondents: The respondents are an estimated 135 airplane operators covered under 14 CFR part 121 and 129.

Burden: The burden associated with this SFAR is 6480 hours. **Regulatory Analyses**

This rulemaking action is taken under an emergency situation within the meaning of Section 6(a)(3)(D) of Executive Order 12866, Regulatory Planning and Review. It also is considered an emergency regulation under Paragraph 11g of the Department of Transportation (DOT) Regulatory Policies and Procedures. In addition, it is a significant rule within the meaning of the Executive Order and DOT's policies and procedures. No regulatory analysis or evaluation accompanies the rule. At this time, the FAA is not able to assess whether this rule will have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act of 1980, as amended. However, we will be conducting a regulatory analysis of the cost and benefits of this rulemaking, including any impact on small entities, at a later date.

Executive Order 13132, Federalism The FAA has analyzed this SFAR under the principles and criteria of Executive Order 13132, Federalism. We have determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we have determined that this final rule does not have federalism implications.

Unfunded Mandates Reform Act The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104-4 on March 22, 1995, is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." This SFAR does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact

statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j) this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of this SFAR has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Pub. L. 94-163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that this SFAR is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety, Charter flights, Reporting and recordkeeping requirements, Safety, Transportation

The Amendment

For the reasons set forth above, the Federal Aviation Administration amends 14 CFR part 121 as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1153, 40113, 40119, 41706, 44101, 44701-44702, 44705, 44709-44711, 44713, 44716-44717, 44722, 44901, 44903-44904, 44912, 46105.

SFAR No. 92-2 [Removed]

2. Remove Special Federal Aviation Regulation No. 92-2.

3. Add Special Federal Aviation Regulation (SFAR) 92-3 to read as follows

SPECIAL FEDERAL AVIATION REGULATION NO. 92-3 FLIGHTCREW COMPARTMENT ACCESS AND DOOR DESIGNS

1. Applicability. This Special Federal Aviation Regulation (SFAR) applies to all operators that hold an air carrier certificate or operating certificate issued under part 119 and that conduct operations under part 121 and to operators of U.S. registered transport category aircraft operated under part 129, except paragraph 4 of this SFAR does not apply to cargo operations and part 129 operations. It applies to the operators specified in this SFAR that modify airplanes to improve the flightcrew compartment door installations to restrict the unwanted entry of persons into the flightcrew compartment. This SFAR also applies to production certificate holders and applicants for airworthiness certificates for airplanes to be operated by operators specified in this SFAR, and producers of parts to be used in such modifications.

2. Regulatory Relief. Contrary provisions of part 21, and §§ 121.153(a)(2), 121.379(b), and 129.13 notwithstanding:

(a) An operator may operate airplanes modified to improve the flightcrew compartment door installations to restrict the unauthorized entry of persons into the flightcrew compartment without regard to the applicable airworthiness requirements and may modify those airplanes for that purpose, using technical data not previously approved by the Administrator, subject to the following conditions:

(i) Not later than February 15, 2002, submit to the Director, Aircraft Certification Service, a detailed description of the changes to the airplane that have been accomplished to enhance the intrusion resistance of the flightcrew compartment including identification of what major alterations have been done without previously

approved data.
(ii) Not later than April 22, 2002, submit to the Director, Aircraft Certification Service, a schedule for accomplishment of the changes necessary to restore compliance with all applicable airworthiness requirements, as well as a listing of the regulations not currently complied with. The schedule may not extend beyond the termination date of this SFAR.
(iii) If, upon reviewing the data submitted in paragraph 2 (a)(i) of this SFAR, the Administrator determines that a door modification presents an unacceptable safety risk, the FAA may issue an order requiring changes to such modifications.
(b) An applicant for an airworthiness certificate may obtain such a certificate for modified airplanes to be operated by operators described in this SFAR.
(c) A holder of a production certificate may submit for airworthiness certification or approval, modified airplanes to be operated by operators described in this SFAR.
(d) A person may produce parts for installation on airplanes in connection with modifications described in this SFAR, without FAA parts manufacturer approval (PMA).
3. Return to Service Documentation. Where operators have modified airplanes as authorized in this SFAR, the affected airplane must be returned to service with a note that it was done under the provisions of this SFAR.
4. Provision for Flightdeck Door Compartment Key. Contrary to provisions of § 121.313(g), the following provision applies: A key for each door that separates a passenger compartment from an emergency exit must be identified to passengers in the briefing required by § 121.571(a)(1)(ii). The key required for access to the emergency exit must be readily available for each crewmember. No key to the flightcrew compartment shall be available to any crewmember during flight, except for flight crewmembers, unless an internal flightdeck locking device such as a deadbolt or bar is installed, operative, and in use.
5. Door Modification Requirement After [45 days after publication] for each airplane required under paragraph 121.313(f) to have a door between the passenger and pilot compartments, and for transport category all-cargo airplanes that have a door installed between the pilot compartment and any other occupied compartment on [the effective date of this amendment] such door must be equipped with an internal locking device installed, operative, and in use. Such internal locking device has to be designed so that it can only be unlocked from inside the flightdeck.
6. Termination. With respect to the ability to approve airplanes for return to service without data previously approved by the Administrator in the case of major alterations, this SFAR terminates on April 22, 2002. All other provisions of this SFAR terminate on April 9, 2003.
Issued in Washington, DC, on January 10, 2002
/S/
Jane F. Garvey
Administrator

121.434 Operating experience, operating cycles, and consolidation of knowledge and skills.

(a) No certificate holder may use a person nor may any person serve as a required crewmember of an airplane unless the person has satisfactorily completed, on that type airplane and in that crewmember position, the operating experience, operating cycles, and the line operating flight time for consolidation of knowledge and skills, required by this section, except as follows:

(1) Crewmembers other than pilots in command may serve as provided herein for the purpose of meeting the requirements of this section.

(2) Pilots who are meeting the pilot in command requirements may serve as second in command.

(3) Separate operating experience, operating cycles, and line operating flight time for consolidation of knowledge and skills are not required for variations within the same type airplane.

(b) In acquiring the operating experience, operating cycles, and line operating flight time for consolidation of knowledge and skills, crewmembers must comply with the following:

(1) In the case of a flight crewmember, he must hold the appropriate certificates and ratings for the crewmember position and the airplane, except that a pilot who is meeting the pilot in command requirements must hold the appropriate certificates and ratings for a pilot in command in the airplane.

(2) The operating experience, operating cycles, and line operating flight time for consolidation of knowledge and skills must be acquired after satisfactory completion of the appropriate ground and flight training for the particular airplane type and crewmember position.

(3) The experience must be acquired in flight during operations under this part. However, in the case of an aircraft not previously used by the certificate holder in operations under this part, operating experience acquired in the aircraft during proving flights or ferry flights may be used to meet this requirement.

(c) Pilot crewmembers must acquire operating experience and operating cycles as follows:

(1) A pilot in command must -

(i) Perform the duties of a pilot in command under the supervision of a check pilot; and

(ii) In addition, if a qualifying pilot in command is completing initial or upgrade training specified in § 121.424, be observed in the performance of prescribed duties by an FAA inspector during at least one flight leg which includes a takeoff and landing. During the time that a qualifying pilot in command is acquiring the operating experience in paragraphs (c)(l) (i) and (ii) of this section, a check pilot who is also serving as the pilot in command must occupy a pilot station. However, in the case of a transitioning pilot in command the check pilot serving as pilot in command may occupy the observer's seat, if the transitioning pilot has made at least two takeoffs and landings in the type airplane used, and has satisfactorily demonstrated to the check pilot that he is qualified to perform the duties of a pilot in command of that type of airplane.

(2) A second in command pilot must perform the duties of a second in command under the supervision of an appropriately qualified check pilot.
(3) The hours of operating experience and operating cycles for all pilots are as follows:
(i) For initial training, 15 hours in Group I reciprocating powered airplanes, 20 hours in Group I turbopropeller powered airplanes, and 25 hours in Group II airplanes. Operating experience in both airplane groups must include at least 4 operating cycles (at least 2 as the pilot flying the airplane).
(ii) For transition training, except as provided in paragraph (c)(3)(iii) of this section, 10 hours in Group I reciprocating powered airplanes, 12 hours in Group I turbopropeller powered airplanes, 25 hours for pilots in command in Group II airplanes, and 15 hours for second in command pilots in Group II airplanes. Operating experience in both airplane groups must include at least 4 operating cycles (at least 2 as the pilot flying the airplane).
(iii) In the case of transition training where the certificate holder's approved training program includes a course of training in an airplane simulator under § 121.409(c), each pilot in command must comply with the requirements prescribed in paragraph (c)(3)(i) of this section for initial training.
(d) A flight engineer must perform the duties of a flight engineer under the supervision of a check airman or a qualified flight engineer for at least the following number of hours:
(1) Group I reciprocating powered airplanes, 8 hours.
(2) Group I turbopropeller powered airplanes, 10 hours.
(3) Group II airplanes, 12 hours.
(e) A flight attendant must, for at least 5 hours, perform the assigned duties of a flight attendant under the supervision of a flight attendant supervisor qualified under this part who personally observes the performance of these duties. However, operating experience is not required for a flight attendant who has previously acquired such experience on any large passenger carrying airplane of the same group, if the certificate holder shows that the flight attendant has received sufficient ground training for the airplane in which the flight attendant is to serve. Flight attendants receiving operating experience may not be assigned as a required crewmember. Flight attendants who have satisfactorily completed training time acquired in an approved training program conducted in a full-scale (except for length) cabin training device of the type airplane in which they are to serve may substitute this time for 50 percent of the hours required by this paragraph.
(f) Flight crewmembers may substitute one additional takeoff and landing for each hour of flight to meet the operating experience requirements of this section, up to a maximum reduction of 50% of flight hours, except those in Group II initial training, and second in command pilots in Group II transition training. Notwithstanding the reductions in programmed hours permitted under §§ 121.405 and 121.409, the hours of operating experience for flight crewmembers are not subject to reduction other than as provided in this paragraph and paragraph (e) of this section.
(g) Except as provided in paragraph (h) of this section, pilot in command and second in command crewmembers must each acquire at least 100 hours of line operating flight

time for consolidation of knowledge and skills (including operating experience required under paragraph (c) of this section) within 120 days after the satisfactory completion of:
(1) Any part of the flight maneuvers and procedures portion of either an airline transport pilot certificate with type rating practical test or an additional type rating practical test, or
(2) A § 121.441 proficiency check.
(h) The following exceptions apply to the consolidation requirement of paragraph (g) of this section:
(1) Pilots who have qualified and served as pilot in command or second in command on a particular type airplane in operations under this part before August 25, 1995 are not required to complete line operating flight time for consolidation of knowledge and skills.
(2) Pilots who have completed the line operating flight time requirement for consolidation of knowledge and skills while serving as second in command on a particular type airplane in operations under this part after August 25, 1995 are not required to repeat the line operating flight time before serving as pilot in command on the same type airplane.
(3) If, before completing the required 100 hours of line operating flight time, a pilot serves as a pilot in another airplane type operated by the certificate holder, the pilot may not serve as a pilot in the airplane for which the pilot has newly qualified unless the pilot satisfactorily completes refresher training as provided in the certificate holder's approved training program and that training is conducted by an appropriately qualified instructor or check pilot.
(4) If the required 100 hours of line operating flight time are not completed within 120 days, the certificate holder may extend the 120 day period to no more than 150 days if -
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(i) The pilot continues to meet all other applicable requirements of subpart O of this part; and
(ii) On or before the 120th day the pilot satisfactorily completes refresher training conducted by an appropriately qualified instructor or check pilot as provided in the certificate holder's approved training program, or a check pilot determines that the pilot has retained an adequate level of proficiency after observing that pilot in a supervised line operating flight.
(5) The Administrator, upon application by the certificate holder, may authorize deviations from the requirements of paragraph (g) of this section, by an appropriate amendment to the operations specifications, to the extent warranted by any of the following circumstances:
(i) A newly certificated certificate holder does not employ any pilots who meet the minimum requirements of paragraph (g) of this section.
(ii) An existing certificate holder adds to its fleet an airplane type not before proven for use in its operations.
(iii) A certificate holder establishes a new domicile to which it assigns pilots who will be required to become qualified on the airplanes operated from that domicile.
(i) Notwithstanding the reductions in programmed hours permitted under §§ 121.405 and 121.409 of Subpart N of this part, the hours of operating experience for flight

crewmembers are not subject to reduction other than as provided in paragraphs (e) and (f) of this section.

[Amdt. 121-55, 35 FR 95, Jan. 3, 1970, as amended by Amdt. 121-74, 36 FR 12284, June 30, 1971; Amdt. 121-91, 37 FR 10729, May 27, 1972; Amdt. 121-140, 43 FR 9599, Mar. 9, 1978; Amdt. 121-144, 43 FR 22647, May 25, 1978; Amdt. 121-159, 45 FR 41593, June 19, 1980; Amdt. 121-248, 60 FR 20870, April 27, 1995]

§ 121.440 Line checks.
(a) No certificate holder may use any person nor may any person serve as pilot in command of an airplane unless, within the preceding 12 calendar months, that person has passed a line check in which he satisfactorily performs the duties and responsibilities of a pilot in command in one of the types of airplanes he is to fly.
(b) A pilot in command line check for domestic and flag operations must -
(1) Be given by a pilot check airman who is currently qualified on both the route and the airplane; and
(2) Consist of at least one flight over a typical part of the certificate holder's route, or over a foreign or Federal airway, or over a direct route.
(c) A pilot in command line check for supplemental operations must -
(1) Be given by a pilot check airman who is currently qualified on the airplane; and
(2) Consist of at least one flight over a part of a Federal airway, foreign airway, or advisory route over which the pilot may be assigned.

[Amdt. 121-55, 35 FR 96, Jan. 3, 1970, as amended by Amdt. 121-143, 43 FR 22642, May 25, 1978; Amdt. 121-253, 61 FR 2612, Jan. 26, 1996]

§ 121.463 Aircraft dispatcher qualifications.
(a) No certificate holder conducting domestic or flag operations; may use any person, nor may any person serve, as an aircraft dispatcher for a particular airplane group unless that person has, with respect to an airplane of that group, satisfactorily completed the following:
(1) Initial dispatcher training, except that a person who has satisfactorily completed such training for another type airplane of the same group need only complete the appropriate transition training.
(2) Operating familiarization consisting of at least 5 hours observing operations under this part from the flight deck or, for airplanes without an observer seat on the flight deck, from a forward passenger seat with headset or speaker. This requirement may be reduced to a minimum of 2 1/2 hours by the substitution of one additional takeoff and landing for an hour of flight. A person may serve as an aircraft dispatcher without meeting the requirement of this paragraph (a) for 90 days after initial introduction of the airplane into operations under this part.
(b) No certificate holder conducting domestic or flag operations; may use any person, nor may any person serve, as an aircraft dispatcher for a particular type airplane unless that person has, with respect to that airplane, satisfactorily completed differences training, if applicable.
(c) No certificate holder conducting domestic or flag operations may use any person, nor may any person serve, as an aircraft dispatcher unless within the preceding 12 calendar months the aircraft dispatcher has satisfactorily completed operating familiarization consisting of at least 5 hours observing operations under this part, in one of the types of airplanes in each group to be dispatched. This observation shall be made from the flight deck or, for airplanes without an observer seat on the flight deck, from a forward passenger seat with headset or speaker. The requirement of paragraph

(a) of this section may be reduced to a minimum of 2 1/2 hours by the substitution of one additional takeoff and landing for an hour of flight. The requirement of this paragraph may be satisfied by observation of 5 hours of simulator training for each airplane group in one of the simulators approved under § 121.407 for the group. However, if the requirement of paragraph (a) is met by the use of a simulator, no reduction in hours is permitted.
(d) No certificate holder conducting domestic or flag operations; may use any person, nor may any person serve as an aircraft dispatcher to dispatch airplanes in operations under this part unless the certificate holder; has determined that he is familiar with all essential operating procedures for that segment of the operation over which he exercises dispatch jurisdiction. However, a dispatcher who is qualified to dispatch airplanes through one segment of an operation may dispatch airplanes through other segments of the operation after coordinating with dispatchers who are qualified to dispatch airplanes through those other segments.
(e) For the purposes of this section, the airplane groups, terms, and definitions in § 121.400 apply.

[Amdt. 121-87, 37 FR 5607, Mar. 17, 1972; Amdt. 121-251, 60 FR 65934, Dec. 20, 1995]